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100TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
100-829

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DRUG-FREE WORKPLACE ACT OF 1988

AUGUST 5, 1988.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BROOKS, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany H.R. 4719]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Operations, to whom was referred the bill (H.R. 4719) to require the recipients of Federal grants and contracts to maintain drug-free workplaces, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Workplace Act of 1988".

SEC. 2. DRUG-FREE WORKPLACE REQUIREMENTS FOR FEDERAL CONTRACTORS.

(a) DRUG-FREE WORKPLACE REQUIREMENT.—No person or organization shall be considered a responsible source, under the meaning of such term as defined in section 4(8) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(8)), for the purposes of being awarded a contract for the procurement of any property or services from any Federal agency unless such person or organization has certified to the contracting agency that it will provide a drug-free workplace by—

- (1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's or organization's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- (2) establishing a drug-free awareness program to inform employees about—
 - (A) the dangers of drug abuse in the workplace;
 - (B) the person's or organization's policy of maintaining a drug-free workplace;
 - (C) any available drug counseling, rehabilitation, and employee assistance programs; and

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(D) the penalties that may be imposed upon employees for drug abuse violations;

(3) making it a requirement that each employee to be engaged in the performance of such contract be given a copy of the statement required by paragraph (1) and that, as a condition of employment on such contract, the employee agree—

(A) to abide by the terms of the statement; and

(B) to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

(4) notifying the contracting agency within 10 days after receiving notice under paragraph (3)(B) from an employee or otherwise receiving actual notice of such conviction;

(5) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 4; and

(6) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), and (5).

(b) **SUSPENSION, TERMINATION, OR DEBARMENT OF THE CONTRACTOR.—**

(1) **GROUND FOR SUSPENSION, TERMINATION, OR DEBARMENT.—**Each contract awarded by a Federal agency shall be subject to suspension of payments under the contract or termination of the contract, or both, and the contractor thereunder shall be subject to debarment, in accordance with the requirements of this section if the board of contract appeals of the contracting agency determines that—

(A) the contractor has made a false certification under subsection (a);

(B) the contractor violates such certification by failing to carry out the requirements of paragraph (1), (2), (3), (4), or (5) of subsection (a); or

(C) such a number of employees of such contractor have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a).

(2) **CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS.—**If a contracting officer determines, in writing, the cause for suspension, termination, or debarment exists, a suspension, termination, or debarment proceeding subject to this subsection shall, on application by a contracting officer of an agency, be conducted by the board of contract appeals of the agency which conducts the procurement. The board of contract appeals shall, based upon a preponderance of the evidence presented, resolve all issues of fact, determine whether a basis exists for the suspension or termination of the contract or debarment of the contractor, and issue or final decision in favor of or against suspension or termination of the contract or debarment of the contractor. A proceeding, decision, or order of the board pursuant to this subsection shall not be subject to interlocutory appeal or review. Determinations and final decisions of the board of contract appeals shall be final unless appealed by the contractor to the United States Court of Appeals for the Federal Circuit within 60 days after the receipt by the contractor of a copy of a final decision of the board of contract appeals. Section 10(b) of the Contract Disputes Act of 1978 (41 U.S.C. 609(b)) shall apply with respect to the finality of such board determinations and decisions under this paragraph.

(3) **CONDUCT BY GSA BOARD.—**In the case of an agency that has not established a board of contract appeals under section 8(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607(a)(1)), the General Services Administration Board of Contract Appeals shall make the determinations and issue final decisions under paragraph (2) for such agencies. Section 10(b) of the Contract Disputes Act of 1978 (41 U.S.C. 609(b)) shall apply with respect to the finality of such Board determinations and decisions under this paragraph.

(4) **EFFECT OF DEBARMENT.—**Upon issuance of any final decision under this subsection requiring debarment of a contractor, such contractor shall be ineligible for award of any contract by any Federal agency and for participation in any future procurement by any Federal agency for a period specified in the decision, not to exceed 5 years. Upon issuance of any final decision recommending against debarment of the contractor, the contractor shall be compensated as provided by law or regulations.

SEC. 3. DRUG-FREE WORKPLACE REQUIREMENTS FOR FEDERAL GRANT RECIPIENTS.

(a) **DRUG-FREE WORKPLACE REQUIREMENT.**—No person or organization shall receive a grant from any Federal agency unless such person or organization has certified to the granting agency that it will provide a drug-free workplace by—

- (1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- (2) establishing a drug-free awareness program to inform employees about—
 - (A) the dangers of drug abuse in the workplace;
 - (B) the grantee's policy of maintaining a drug-free workplace;
 - (C) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (D) the penalties that may be imposed upon employees for drug abuse violations;
- (3) making it a requirement that each employee to be engaged in the performance of such grant be given a copy of the statement required by paragraph (1) and that, as a condition of employment on such grant, the employee agree—
 - (A) to abide by the terms of the statement; and
 - (B) to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;
- (4) notifying the granting agency within 10 days after receiving notice of conviction under paragraph (3)(B) from an employee or otherwise receiving actual notice of such conviction;
- (5) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 4; and
- (6) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), and (5).

(b) **SUSPENSION, TERMINATION, OR DEBARMENT OF THE GRANTEE.**

(1) **GROUND FOR SUSPENSION, TERMINATION, OR DEBARMENT.**—Each grant awarded by a Federal agency shall be subject to suspension of payments under the grant or termination of the grant, or both, and the grantee thereunder shall be subject to debarment, in accordance with the requirements of this section if the agency head of the granting agency or his official designee determines, in writing, that—

- (A) the grantee has made a false certification under subsection (a);
- (B) the grantee violates such certification by failing to carry out the requirements of paragraph (1), (2), (3), (4), or (5) of subsection (a); or
- (C) such a number of employees of such grantee have been convicted or violations of criminal drug statutes for violations occurring in the workplace as to indicate that the grantee has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a).

(2) **CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS.**—A suspension, termination, or debarment proceeding subject to this subsection shall be conducted in accordance with applicable law, including Executive Order 12549 or any superseding Executive order and any regulations promulgated to implement such law or Executive order.

(3) **EFFECT OF DEBARMENT.**—Upon issuance of any final decision under this subsection requiring debarment of a grantee, such grantee shall be ineligible for award of any grant from any Federal agency and for participation in any future grant from any Federal agency for a period specified in the decision, not to exceed 5 years. Upon issuance of any final decision recommending against debarment of the grantee, the grantee shall be compensated as provided by law or regulations.

SEC. 4. EMPLOYEE SANCTIONS AND REMEDIES.

A grantee or contractor shall, within 30 days after receiving notice from an employee of a conviction pursuant to section 2(a)(3)(B) or 3(a)(3)(B)—

- (1) take appropriate personnel action against such employee up to and including termination; or
- (2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

SEC. 5. WAIVER.

(a) **IN GENERAL.**—A termination, suspension, or debarment under this Act may be waived by the head of an agency with respect to a particular contract or grant if—

(1) in the case of a waiver with respect to a contract, the head of the agency determines, after the issuance of a final determination under section 3(b) by a board of contract appeals regarding a contract entered into by that agency, that suspension or termination of the contract or debarment of the contractor, or refusal to permit a person or organization to be treated as a responsible source for a contract, as the case may be, would severely disrupt the operation of such agency to the detriment of the Federal Government or the general public; or

(2) in the case of a waiver with respect to a grant, the head of the agency determines that suspension or termination of the grant or debarment of the grantee would not be in the public interest.

(b) **EXCLUSIVE AUTHORITY.**—The authority of the head of an agency under this section to waive a termination, suspension, or debarment shall not be delegated.

SEC. 6. AUTHORITY OF BOARDS.

Not later than 90 days after the date of enactment of this Act, the chairman of each board of contract appeals shall prescribe rules and procedures governing actions under this Act. Each judge of such board may administer oaths and affirmations and issue subpoenas.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term “drug-free workplace” means a site for the performance of work done in connection with a specific grant or contract described in section 2 or 3 of an entity at which employees of such entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of this Act;

(2) the term “employee” means the employee of a grantee or contractor directly engaged in the performance of work pursuant to the provisions of the grant of contract described in section 2 or 3;

(3) the term “controlled substance” means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812);

(4) the term “conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

(5) the term “criminal drug statute” means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance;

(6) the term “grantee” means the department, division, or other unit of a person or organization responsible for the performance under the grant;

(7) the term “contractor” means the department, division, or other unit of a person or organization responsible for the performance under the contract; and

(8) the term “Federal agency” means an agency as that term is defined in section 552(f) of title 5, United States Code.

SEC. 8. EFFECTIVE DATE.

Sections 2 and 3 shall be effective 120 days after the date of the enactment of this Act.

EXPLANATION OF AMENDMENT

Inasmuch as all after the enacting clause of H.R. 4719 was stricken and all language incorporated into one amendment, this report constitutes an explanation of the amendment.

SUMMARY AND PURPOSE

H.R. 4719, the Drug-Free Workplace Act of 1988, would impose new conditions and requirements on Federal Government contractors and grantees designed to ensure that their workplaces are drug-free. The Act would enlist in the Government's efforts to combat drug abuse in America those organizations and businesses in the private sector that receive Federal funds and support. The

problem of drugs in our society is multifaceted. The Federal Government has responded with an array of initiatives, ranging from stiff criminal sanctions on drug possession and sales to the funding and support of community programs to educate citizens of the dangers associated with drug abuse and to assist those who are trapped in the nightmare cycle of drug addiction.

H.R. 4719 represents a new governmental initiative with its focus on drug abuse in the workplace. While the true extent of drug abuse in the workplace is not fully known, it is clear that the problem in that context has special consequences—the safety of co-workers is threatened by those who are impaired by drugs, the danger of defective products is greatly increased and, in general, the productivity, and thus the strength, of the nation is diminished.

H.R. 4719 would require the Government's contractors and grantees to follow six specific requirements in order to maintain their Federal contracts and grants, and their eligibility for future Government business or funds.

Government contractors and grantees would have to publish a statement notifying employees that drug abuse in the workplace is prohibited and specifying the actions that will be taken against those who violate that policy. Further, Government contractors and grantees must establish a drug-free awareness program to educate their employees about the dangers of drug abuse in the workplace, the penalties that can be imposed for such behavior and the services available to assist those with drug-related problems. The grantee or contractor must make it a requirement that each employee who is directly involved in the performance of a Government contract or grant agree that they will abide by the contractor's or grantee's drug-free workplace statement and that they will notify that employer of any conviction for a criminal drug violation occurring in the workplace in a timely manner. The employer is also required to notify the Government agency managing that contract or grant of the conviction of an employee and is required to either take an appropriate personnel action against that convicted employee or require the employee's participation in an approved drug assistance or rehabilitation program. Finally, each governmental contractor or grantee is required to continue, in good faith, ongoing compliance with these requirements. The committee views these six elements of the certification to comprise the exclusive legislative and regulatory requirements of H.R. 4719.

Under H.R. 4719, a false certification by the contractor, or the contractor's failure to fulfill these requirements, will constitute grounds for suspension and termination of the contract or grant and the debarment of the contractor or grantee from future Government contracts or grants for up to 5 years. Alternatively, if it is determined that a contractor or grantee has such a number of convictions for criminal drug statute violations occurring in the workplace as to indicate that the contractor or grantee has failed to make a good faith effort to provide a drug-free workplace, then the penalties of suspension, termination, and debarment may also be applied.

Under H.R. 4719, determinations regarding compliance with these requirements will be made, in large measure, under existing procedures regarding procurement and grant matters. Suspension,

under this Act may be contract or grant if—
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termination, and debarment proceedings for grants and grantees for a violation of these provisions will be conducted in accordance with the procedures spelled out in the legislation. Suspension, termination, and debarment proceedings for contracts and contractors will be handled through the Boards of Contract Appeals with the right of appeal to the Federal Judiciary. These quasi-judicial and judicial procedures will afford due process to those subject to suspension or termination of a contract, or their debarment from future government business.

H.R. 4719 is carefully crafted to provide specific, clear criteria aimed at curtailing drug abuse in the workplace. Entities that receive Government business or support are required to fulfill these specific mandates in order to achieve and maintain advantageous financial relationships with the Federal Government. Failure to do so can result in the suspension or termination of their contract or grant and their debarment from future contracts or grants. These tough sanctions, however, are to be applied fairly and rationally because H.R. 4719 fixes quasi-judicial and judicial due process procedures for adjudicating cases alleging violations of the act and the application of the penalties against such violators.

COMMITTEE ACTION AND VOTE

H.R. 4719 was introduced by Congressman Jack Brooks on June 1, 1988, and subsequently referred to the Committee on Government Operations. The Committee on Government Operations ordered the bill H.R. 4719 reported as amended on June 29, 1988, by a unanimous voice vote with a quorum present.

HEARINGS

Hearings on H.R. 4719 were held by the Legislation and National Security Subcommittee on June 15, 1988. Statements were received from Representatives Tony Coelho, James Hayes, Barbara Boxer, Charles Schumer, Harold Volkmer, and Bill McCollum; the Director of the Office of Management and Budget, James Miller, who was accompanied by the Acting Administrator for the Office of Federal Procurement Policy, Allen Burman; Judge Leonard Suchanek, Chairman of the Board of Contract Appeals of the General Services Administration; and representatives of the Computer and Communications Industry Association; United States Chamber of Commerce; Associated General Contractors of America; Associated Builders and Contractors, Inc.; the American Civil Liberties Union; and the Heritage Foundation.

DISCUSSION

I. Background

American society is facing a drug problem of immense complexities and diverse battlegrounds. Our Government is presently involved in a great effort to educate citizens of the physical and psychological consequences of drug abuse and to combat the illegal sale and possession of controlled substances with legislative initiatives. According to testimony presented to the subcommittee by the U.S. Chamber of Commerce, the Federal expenditures on drug

interdiction, investigation, prosecution, corrections, enforcement and assistance to State and local governments will total \$1.5 billion in 1988. These efforts are helpful in facing the grave crisis that drugs and the results of their use represent. However, there are many indications that the drug problem, already serious, is possibly on the rise. One survey mentioned by Jack Biddle of the Computer and Communications Industry Association showed the number of recent cocaine users up from 4.2 million in 1982 to 5.8 million in 1985.

Most employees in America at some time come into contact with fellow workers who use drugs, either inside or outside the workplace. The effects of such abuse are difficult to calculate accurately since most statistical studies have been hazy or unscientific. Nevertheless, many business spokesmen have quoted a figure from Research Triangle Institute that calculated losses from drug-related absenteeism, accidents, medical claims, theft, and decreased productivity at \$60 billion annually. The Chamber of Commerce, in testimony before the subcommittee, claimed 65 percent of employees entering the workforce have used illegal substances. The Chamber also asserted that drug users in the workplace are 4 times more likely to be involved in an accident while at their job. The Associated General Contractors of America stated at the hearings that perhaps 23 percent of all U.S. workers use drugs on the job and these workers may cause over half of all accidents in the workplace. These estimates suggest that an effective anti-drug initiative in the workplace arena is both necessary and urgent.

II. H.R. 4719

H.R. 4719 is an appropriate and measured response to the drug problem in our Nation's places of employment. Representative Tony Coelho described the bill's strengths when he noted before the subcommittee. "It establishes tough sanctions that are applied fairly under the due process requirement basic to our system of justice." The bill uses the powerful weapon of Federal funding to encourage contractors and grantees to maintain, to the best of their ability, a drug-free environment that will improve the productivity and the safety of their workplaces.

The Drug-Free Workplace Act specifies six steps that Government contractors and grantees must take if they wish to continue receiving Federal money on existing contracts or grants or to be eligible to receive future contracts or grants. They must develop a statement telling employees that drug abuse will not be tolerated in the workplace and that action will be taken against violators of this policy. They must also design a drug-free awareness program aimed at educating employees about the consequences of drug abuse, the punishments for such acts, and the rehabilitative services available for users. The employers must make it a requirement that the employees agree that they will abide by the employer's drug statement; the employees must also promise to notify their employer of a conviction for a drug violation in the workplace. The employer must subsequently notify the Government agency handling the contract or grant of the conviction and then take appropriate personnel action against the employee or require participa-

tion by the employee in a drug assistance program. All of the five above requirements must be complied with, in good faith, in an ongoing fashion.

Contractors and grantees must certify they are meeting these six requirements. False certification or failure to meet these requirements will be considered grounds for suspension or termination of the contract or grant or debarment from future Government business or funds. These sanctions will also be applied if it is found the contractor or grantee failed to make a good faith effort to provide a drug-free workplace. The determinations of compliance with the six requirements will be made primarily under existing procedures regarding contracts and grants. The enforcement procedure regarding grants will be conducted under applicable laws and executive orders and regulations; the proceedings involving determinations of contract remedies will be channeled through the Boards of Contract Appeals, with further appeals heard by the Federal Judiciary.

The approach in this bill is to focus on the employer as the party responsible for setting effective policy in the place of business and for educating employees of the dangers of drug abuse and the consequences of being convicted of such crimes. The witness testifying for the Associated General Contractors of America pointed out at the hearings. "As is the case with many of the nation's problems, the fundamental and long-term solution to this problem may be education." Humphrey and Associates, Inc., a contracting firm in Dallas, reported higher quality work and fewer accidents on the job after a drug policy was introduced.

The bill uses certification, notification, and education as the tools for achieving a drug-free workplace. The bill does not require that contractors and grantees conduct any testing programs or others searches. The committee does not intend that the contractors and grantees take on law enforcement or police functions. Such a role would be highly inappropriate.

Although proponents of mandatory drug testing believe that it is an effective tool for identifying and deterring drug problems in the workplace, others assert that such testing is irrelevant to legitimate workplace concerns because it cannot provide evidence of on-the-job use, intoxication, impairment, possession, or trafficking. The committee presently has no basis for determining the merits of either side in this debate and, in any event, believes that any serious resolution of the debate must await the decisions in two government-mandated drug testing cases that the Supreme Court has agreed to review in the fall term. See *National Treasury Employees Union v. Von Raab*, 816 F.2d 170 (5th Cir. 1987), *cert. granted*, U.S. , 108 S. Ct. 1072, 99 L.Ed.2d 232 (1988); *Burnley v. Railway Labor Executives' Ass'n.*, 839 F.2d 575 (9th Cir.), *cert. granted*, 56 U.S.L.W. 3827 (June 6, 1988) (No. 87-1555). The entire question of employee searches and other police activities has serious constitutional implications. The committee specifically does not raise those issues in this legislation.

The committee reiterates that mandatory drug testing and other employee "search" activities are neither required nor approved for purposes of certifying that an employer will provide a drug-free workplace, or has made a good-faith effort to do so. Fulfilling the requirements expressly enumerated in paragraphs (1) through (6)

of subsection 2(a) of the bill is both necessary and sufficient to satisfy the certification standard.

Besides being tough in its requirements and positive in its education approach, H.R. 4719 establishes a fair and workable adjudicatory process by which the requirements of the Act are to be applied. The use of the Boards of Contract Appeals and judicial review by a Federal court of appeals establishes a necessary means of interpreting the law outside the agency where the suspension, termination, or debarment has occurred. A judicial and quasi-judicial procedure balances the executive power of enforcement and assumes its proper role as the interpreter of Federal Law.

Finally, the bill explicitly specifies all of the requirements employers must take in order to comply, instead of leaving them grasping for straws while attempting to provide a drug-free environment. In its testimony, the ACLU noted that, "when Congress proposes to make maintenance of a drug-free workplace a legal requirement subject to enforcement through penalties of funding termination or ineligibility, such legislation must clearly state reasonable criteria for compliance and reasonable procedures for enforcement and adjudication." They commend H.R. 4719 as a bill that "would provide specific criteria for employer compliance." Further, the Computer and Communications Industry Association praised the bill, specifying, "We can only imagine what will happen if the regulation writers are also required to guess the intent of Congress. H.R. 4719 avoids this trap by defining the steps which industry is required to undertake, and the precise procedures to enforce compliance with this bill's provisions." This specificity allows Government and business to cooperate in the fight against illegal drugs.

In the present attempt by the Federal Government to eliminate or at least turn the tide against illegal substances, H.R. 4719 is a direct initiative that uses the funding power of the national government to bring about a widespread, actual change in the workplace of Federal contractors and grantees. It incorporates enumerated requirements and constitutional balance with reasonableness in the good faith clause and strictness in the 5-year maximum length of debarment. As Representative Harold Volkmer stated before the subcommittee, this legislation "is government-wide, it is uniform in its application, it is systematic in that it utilizes existing agencies, structures, and processes of government to achieve our stated goals." As summed up by Humphrey & Associates at the hearings, "Due to the severity of today's drug crisis, we are willing to work together—private and public sector—to solve the issue of drugs in the workplace and are willing to accept major responsibility and accountability for the activities of our work force." H.R. 4719 provides a firm legislative basis for fostering drug-free workplaces for all Government contractors and grantees.

SECTION-BY-SECTION ANALYSIS OF H.R. 4719

Section 1

The short title of the bill is the Drug-Free Workplace Act of 1988.

Section 2

This section sets forth the drug-free workplace requirements that Federal contractors must meet, the sanctions that may be imposed for their failure to do so, and the procedure by which adjudications regarding contractors will be made under the Act.

Subsection (a) requires the contractor to certify to the contracting agency that it will provide a drug-free workplace by adhering to six specific requirements. Contractor adherence to these six requirements constitutes compliance with this section. The first requirement, section 2(a)(1) is that the contractor publish "a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's or organization's workplace and specifying the actions that will be taken against employees for violations of such prohibitions." This provision requires contractors to notify their employees, by a published statement, that unlawful drug-related activities are prohibited in the workplace and requires that the actions that may be taken against them if they violate these prohibitions be described in that published statement. A contractor could satisfy the notification of actions by describing the range of personnel actions and the factors to be considered. The actions referred to are the same as would be described in the awareness program and in the sanctions required under section 4 of the bill.

The committee intends that this provision will serve an educational purpose in informing employees of prohibitions against unlawful drug abuse in the workplace and the existing sanctions.

The second provision, section 2(a)(2), requires the contractor to create a drug-free awareness program. This program, which is to be ongoing, is also meant to serve an educational purpose. This subsection requires that the program "inform employees about—(A) the dangers of drug abuse in the workplace; (B) the person's or organization's policy of maintaining a drug-free workplace; (C) any available drug counseling, rehabilitation and employee assistance programs; and (D) the penalties that may be imposed upon employees for drug abuse violations. * * *

The committee does not intend to require a specific type of drug awareness program. Rather, the committee is cognizant of the great variety of Federal contractors—ranging from large corporations engaged in the production of highly sophisticated weapons systems, to small businesses fulfilling routine service contracts—and understands that what may be an appropriate and effective program for one Federal contractor may not be for another. What is essential is that the program be designed to educate employees about the serious dangers of drug abuse in the workplace and the steps being taken to eliminate the problem both through assistance programs and sanctions for employees who abuse drugs. The committee is especially mindful that providing employees with the information regarding available treatment and assistance programs is an important step toward successfully curing drug abusers, both psychologically and physically and that ultimately this may be the most important effort in solving our Nation's drug problem.

The third provision, section 2(a)(3), directs the contractor to provide each employee engaged in the performance of the contract